

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DEMETRIUS HILL,

Plaintiff,
-against-

MEMORANDUM & ORDER
02-CV-3901 (DRH) (AYS)

AL TISCH, SHERIFF, et al.,

Defendants.

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ANNE Y. SHIELDS, United States Magistrate Judge:

This case arises from plaintiff's claim of being wrongfully placed in administrative segregation when incarcerated in Suffolk County as a pretrial detainee in 2002. The District court's summary judgment decision in October of 2015 denied Defendants' motion as to this claim. That claim therefore remains for trial.

This court held a status conference on February 1, 2016. Plaintiff appeared via telephone. Defendant seeks no discovery. Plaintiff requested certain information, and asked to take two depositions in this matter. As to the depositions sought, Plaintiff identified the individuals sought to be deposed as Defendants Murphy and Bednowsky. Defense counsel has now responded to these requests via letter dated February 16, 2016. In that letter, Defense counsel states that Defendant Bednowsky is deceased. Defense counsel also takes the position that Defendant Murphy does not have knowledge of the facts underlying this lawsuit, and that Murphy is no longer employed by the County.

As a result of that letter, this Court issued an order on February 22, 2016, requiring that Defendants submit an affidavit or testimony of Murphy showing his lack of involvement in the

facts underlying the lawsuit. The order further required Defendants to indicate whether any of the other individually named defendants, including defendant Reynolds (who is referenced in the District Court's summary judgment opinion) are still represented by Defense counsel, and whether any of these individuals have relevant information regarding this lawsuit. Finally, the order required Defendants to identify the witnesses it intends to appear at the trial of this matter.

In response to the February 22, 2016 order, Defendants submitted an affidavit from Murphy indicating he had no knowledge of, and had never met Plaintiff. DE [135]. Defendants were unable to confirm with certainty the individual defendants that are still represented by the County, with the exception of defendants Reynolds and Lehmann. Defendants did not identify, as requested in the February 22, 2016 order, those individuals Defendants will call at trial. In addition, Defendants letter made the following representations:

- The seven remaining defendants are Bednowsky, Tisch, Walsh, Singer, Kearsy Sanicruz and Jonesey;
- The remaining claims contain allegations only against defendants Murphy, Geslak, Lehmann and Reynolds, and that
- the only remaining defendants are Murphy, Geslak, Lehmann and Reynolds.

In response to Defendants' representations, Plaintiff is hereby ordered to submit a letter by April 4, 2016, indicating whether or not it agrees with Defendants' characterizations as to the defendants remaining in this lawsuit. In addition, in light of the fact that Bednowsky is deceased and Murphy has provided adequate information indicating he has no knowledge, Plaintiff is hereby directed to identify what, if any, additional witnesses from those listed above, from which he seeks any obtain specific information, either by written questions or depositions.

Defendants' counsel is further ordered to provide an update setting forth those defendants represented at this time and identifying the individuals who Defendants will call at trial by April

18, 2016. Defendants are further directed to serve a copy of this order on Plaintiff and file proof of service via ECF.

Dated: Central Islip, New York
March 17, 2016

/s/ Anne Y. Shields
ANNE Y. SHIELDS
United States Magistrate Judge